

TWENTY-SIXTH DAY
(Thursday, February 23, 1995)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by Senator Truan.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Ratliff, Sims.

A quorum was announced present.

The Reverend James L. Evans, Pastor, St. Martin de Porres Catholic Church, Dripping Springs, offered the invocation as follows:

Lord, may everything we do begin with Your inspiration and continue with Your help. Guide and bless our Senators and Representatives in the Legislature of the State of Texas that they may enact laws which please You, to the glory of Your name and the welfare of the people. Enlighten our hearts, give us light and strength to do Your will, to make it our own and to live it in our lives. Guide us by Your wisdom, support us by Your power, for You are God. You desire justice for all—enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor. Unite us to Yourself in the bond of love and keep us faithful to all that is true. Almighty God, temper justice with love so that all decisions made here may be pleasing to You. Amen.

On motion of Senator Harris and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Sibley, Senator Ratliff was granted leave of absence for today on account of important business.

On motion of Senator Brown, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHORS OF SENATE JOINT RESOLUTION 16

On motion of Senator Ellis and by unanimous consent, Senators Moncrief and Montford will be shown as Co-authors of S.J.R. 16.

CO-AUTHORS OF SENATE BILL 141

On motion of Senator Ellis and by unanimous consent, Senators Cain and Wentworth will be shown as Co-authors of S.B. 141.

CO-AUTHOR WITHDRAWN

Senator Patterson requested the removal of his name as Co-author of **S.B. 141**.

The request was granted.

GUESTS PRESENTED

Senator Nixon was recognized and introduced to the Senate a delegation of citizens from Panola County.

Senator Nixon also introduced his mother, Mrs. Frances Nixon of Panola County.

The Senate welcomed its guests.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

S.C.R. 65 by Rosson International Relations, Trade, and Technology
Directing the board of regents of The University of Texas System to conduct a study to assess the availability and suitability of existing facilities in El Paso County and the border region for use in connection with the operation of health education programs in the region.

S.C.R. 67 by Ellis, West Administration
Granting Clarence Brandley permission to sue the State of Texas, the Texas Department of Criminal Justice, and the Department of Public Safety of the State of Texas.

S.B. 22 by Zaffirini, Moncrief, Health and Human Services
Truan, Patterson, Brown, Nixon, Lucio, Gallegos
Relating to the provision of services and other assistance to needy people, including health and human services and assistance in becoming self-dependent.

S.B. 676 by Lucio Criminal Justice
Relating to the punishment for theft of certain pesticides and for the solicitation of minors to steal certain pesticides.

S.B. 689 by Sims Criminal Justice
Relating to the punishment for the offense of theft of cattle, horses, sheep, swine, or goats.

S.B. 695 by Zaffirini State Affairs
Relating to the personnel records of certain law enforcement officers and fire protection personnel; providing a criminal penalty.

S.B. 696 by Brown Intergovernmental Relations
Relating to member contributions to and benefits of retirement systems for firefighters in certain municipalities.

S.B. 697 by Luna State Affairs
Relating to the punishment for the operation of certain overweight vehicles.

- S.B. 698** by Barrientos Criminal Justice
Relating to the statute of limitations for the offense of securing execution of a document by deception.
- S.B. 699** by Sims, Lucio Natural Resources
Relating to the farm and ranch finance program.
- S.B. 700** by Sims, Lucio Natural Resources
Relating to the registration of pesticides.
- S.B. 701** by West Jurisprudence
Relating to the creation of municipal courts of record in Grand Prairie.
- S.B. 702** by Truan Economic Development
Relating to residential fire protection sprinkler systems and to an insurance premium discount for the use of such a system.
- S.B. 703** by Madla Natural Resources
Relating to the authority of the executive director of the Texas Natural Resource Conservation Commission to issue an uncontested permit, license, certificate, or authorization.
- S.B. 704** by Madla Natural Resources
Relating to the prohibition of the pollution or degradation of the source of a water supply by a home-rule municipality.
- S.B. 705** by Madla Criminal Justice
Relating to certain offenses and delinquent conduct involving motor vehicles, to the forfeiture of certain motor vehicles, and to the disposition of proceeds from the sale of forfeited motor vehicles.
- S.B. 706** by Wentworth State Affairs
Relating to the wearing of seat belts by certain vehicle operators and passengers.
- S.B. 707** by Rosson, Moncrief Economic Development
Relating to the accessibility of certain glues and paints to business patrons in certain municipalities.
- S.B. 708** by Ellis Finance
Relating to state energy efficiency and conservation programs; granting the authority to issue revenue bonds.
- S.B. 709** by Rosson State Affairs
Relating to the date for holding a political party's county and senatorial district conventions.
- S.B. 710** by Gallegos Criminal Justice
Relating to the authority of a juvenile court to order certain children to perform community service.
- S.B. 712** by Gallegos Economic Development
Relating to the eligibility of an area with a history of and continuing problem with gang activity to be included in an enterprise zone.

S.B. 713 by Gallegos Criminal Justice
Relating to the use of proceeds derived from criminal asset forfeiture for gang suppression programs.

S.B. 714 by Cain State Affairs
Relating to national fraternal organizations exempt from certain requirements of the Alcoholic Beverage Code.

S.B. 715 by Patterson, Madla Economic Development
Relating to the licensing and regulation of public adjusters; providing criminal penalties.

S.B. 716 by Patterson Economic Development
Relating to the amount a hotel or motel may charge for a telephone call.

S.B. 717 by Patterson Intergovernmental Relations
Relating to the authority of a county judge in counties with a population greater than 2,400,000 to delegate certain responsibilities.

S.B. 718 by Moncrief, Armbrister Health and Human Services
Relating to the practice of chiropractic.

S.B. 719 by Shapiro Education
Relating to the limit on school district tax rates.

S.B. 720 by Henderson Jurisprudence
Relating to the offense of barratry.

S.B. 721 by Henderson State Affairs
Relating to certain governmental purchasing requirements for alternative fuel vehicles.

S.B. 722 by Sibley State Affairs
Relating to the continuation and functions of the Office of State-Federal Relations.

S.B. 723 by Sibley Criminal Justice
Relating to the preparation of a list of potential witnesses for use of the parties in conducting the voir dire examination in a criminal case.

S.B. 724 by Sibley Criminal Justice
Relating to notice of the intended use of an alibi defense in a criminal case.

S.B. 725 by Sibley Criminal Justice
Relating to the peremptory challenge of a juror in a criminal case based on the juror's race.

S.B. 726 by Sibley Finance
Relating to appropriations to an institution of higher education for energy costs.

S.B. 727 by Sibley Education
Relating to certain nonprofit corporations that purchase or make student or parent loan notes.

S.B. 728 by Ellis Education
Relating to the authority of the governing bodies of certain public institutions of higher education to close streets or alleys running through the campuses of those institutions.

S.B. 729 by Galloway Health and Human Services
Relating to the regulation of medical radiologic technologists and other persons who perform radiologic procedures; providing civil and criminal penalties.

S.B. 730 by Galloway Health and Human Services
Relating to the regulation of medical radiologic technologists and other persons who perform certain radiologic procedures.

S.B. 731 by Galloway Intergovernmental Relations
Relating to the authority to dissolve the Oak Ridge Municipal Utility District and the assumption of its assets and obligations by a municipality.

SENATE CONCURRENT RESOLUTION 68

Senator Armbrister offered the following resolution:

S.C.R. 68, Requesting the State Preservation Board to provide for the placement in the Texas Capitol of a portrait of President Bush, 41st president of the United States.

ARMBRISTER
HENDERSON
BROWN

The resolution was read.

On motion of Senator Henderson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Armbrister and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 100

The Presiding Officer laid before the Senate the following resolution:

H.C.R. 100, Granting the American Legion permission to use the House and Senate chambers for its Boys State program June 9, 1995.

HARRIS

The resolution was read.

On motion of Senator Harris and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:17 a.m. announced the conclusion of morning call.

**SENATE CONCURRENT RESOLUTION 24
ON SECOND READING**

On motion of Senator Patterson and by unanimous consent, the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

S.C.R. 24, Memorializing Congress to propose to the states an amendment to the United States Constitution protecting the American flag and 50 state flags from wilful desecration and exempting such desecration from constitutional construction as a First Amendment right.

The resolution was read second time and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate Leonard Mills, Headquarters Company, 26th Marine Division; James McMenemy, 4th Marine Division, 14th Regiment; and Ben DiClemente, 4th Marine Division, Pioneer Battalion, all Iwo Jima veterans.

The Senate welcomed its distinguished guests.

SENATE BILL 451 ON SECOND READING

Senator Rosson moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 451** be taken up for consideration at this time:

S.B. 451, Relating to the regulation of businesses conducting currency exchange or transmission.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 451 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 451** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled resolution in the presence of the Senate:

H.C.R. 98

SENATE BILL 488 ON SECOND READING

Senator Wentworth moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 488** be taken up for consideration at this time:

S.B. 488, Relating to a contractual lien for surveying services.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read second time.

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 488** as follows:

On page 1, line 7, delete "perfecting, and enforcing" and substitute "recording, and enforcing as provided by applicable law".

The committee amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 488** as follows:

- (1) On line 7 insert "or engineer" between "surveyor" and "from"; and
- (2) On line 8 insert "or engineering" between "surveying" and "services".

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 488 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 488** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 550 ON SECOND READING

Senator Nixon moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 550** be taken up for consideration at this time:

S.B. 550, Relating to the authority of the Railroad Commission of Texas to receive and administer gifts, grants, and donations.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
February 23, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 64, In memory of Phillip Lafayette Bible, Jr.

H.C.R. 48, In memory of Malouf Abraham, Sr.

H.C.R. 49, Paying tribute to the life of the Honorable Guy Hazlett.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Bernie and Dottie Curtin of Mission.

The Senate welcomed its guests.

SENATE BILL 561 ON SECOND READING

Senator Sibley moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 561** be taken up for consideration at this time:

S.B. 561, Relating to the election of the members of the board of directors of the Jack County Hospital District.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 561 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 561** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read third time and was passed by a viva voce vote.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Bivins submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the LOWER COLORADO RIVER AUTHORITY BOARD OF DIRECTORS: Dr. Richard G. Arellano, Llano County; Theodoral "Teddy" Vanderwerth Boehm, Washington County; George Cason, Colorado County; I. O. Coleman, Jr., Wharton County; Pix D. Howell, Hays County; Tommy Z. Le Tulle, Matagorda County; Michael Lucksinger, Burnet County; Clinton Marie Deary Wright, Bastrop County.

To be a Member of the GULF STATES MARINE FISHERIES COMMISSION: Jan J. Harper, Brazoria County.

To be RED RIVER COMPACT COMMISSIONER FOR TEXAS: Lowell Cable, Hopkins County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Bivins gave notice that he would Monday, February 27, 1995, at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE BILL 563 ON SECOND READING

Senator Armbrister moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 563** be taken up for consideration at this time:

S.B. 563, Relating to the authority to abolish the position of marshal in a Type B general law city.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 563**, line 12, by inserting after the word "directs" and before the "." the following: or on any other peace officer of the county

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 563 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 563** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ratliff, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE RULE 11.11 SUSPENDED
(Posting Rule)

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might meet today.

MEMORIAL RESOLUTIONS

S.R. 294 - By West: In memory of Lillie Belle Brown Hall.

S.R. 297 - By Truan: In memory of Frank Beverly "Bev" Lloyd, Jr., of Alice.

CONGRATULATORY RESOLUTIONS

S.C.R. 69 - By Gallegos: Congratulating the employees of W. M. Dewey and Son, Inc., on the 100th anniversary of their company's founding.

S.R. 293 - By West: Designating March 14 and 15, 1995, as Delta Days at the State Capitol in honor of the Delta Sigma Theta Sorority, Incorporated.

S.R. 295 - By Truan: Congratulating Kleberg Elementary School in Kingsville for its efforts to help prevent drug abuse, delinquency, and illiteracy.

S.R. 296 - By Truan: Congratulating Hattie Martin Elementary School in Robstown for receiving an SBC Foundation educational grant.

S.R. 298 - By Gallegos: Commending Dr. Don W. Hooper for his accomplishments as superintendent of the Galena Park Independent School District.

S.R. 299 - By Truan: Recognizing Calvary First Baptist Church of Corpus Christi on the occasion of the opening of its new church building.

ADJOURNMENT

On motion of Senator Leedom, the Senate at 10:47 a.m. adjourned until 11:00 a.m. Monday, February 27, 1995.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 22, 1995

EDUCATION — S.B. 446

February 23, 1995

STATE AFFAIRS — S.J.R. 4, S.B. 277, C.S.S.B. 460

TWENTY-SEVENTH DAY
(Monday, February 27, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, West, Whitmire, Zaffirini.

Absent-excused: Luna, Madla, Sims, Wentworth.

A quorum was announced present.

Mr. Tom Pelton, President, March for Jesus, Austin, offered the invocation as follows:

Our most gracious and merciful heavenly Father, as I stand here before You today, and before I ask You for anything, I want to tell You that You alone are worthy of our praise and thanksgiving. We come to You because we believe that as You say in Your word, "All authority on earth is established by You and comes from Your hand." We trust that You have strategically placed each Senate Member in this place. We pray now that You would place Your hand upon them this day. We pray that You would give them wisdom beyond their natural abilities. We pray that You would give them courage to make the difficult decisions that are before them. We pray that You would gift them with new ideas and strategies to accomplish the task at hand.

Father, we trust You that Your hand is "stretched out still" and You desire to pour out the blessings of heaven upon Your people. Help this place and each Member here to become "channels" of Your blessings to Your people. In Your precious name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 23, 1995, was dispensed with and the Journal was approved.